



POLICY TITLE: PROTECTIVE CUSTODY STATUS		PAGE 1 OF 4
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CHAPTER 18: CLASSIFICATION		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
	EFFECTIVE DATE: May 8, 2018	LATEST REVISION:

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Juvenile Facilities

III. POLICY

It is the policy of the Department of Corrections to maintain safe housing for residents who require protection. These residents are provided with property, program and activity access, and treatment services consistent with general population residents to the extent that these can be provided in a manner that will reasonably protect the residents, security, and the orderly management of the facility.

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V. ATTACHMENTS

Attachment A:	Protective Custody Status Placement form
Attachment B:	Protective Custody Plan

VI. PROCEDURES

Procedure A: Placement Decisions

1. A resident may be placed on protective custody status by the Juvenile Program Manager of the resident's housing unit, Juvenile Facility Operations Supervisor, or higher supervisory staff at any time based on information received that the resident is in need of closer protection than is provided for in general population.
2. A resident may be placed on protective custody status, on an emergency basis, with the approval of the Juvenile Program Manager of the resident's housing unit, the Juvenile Facility Operations Supervisor, or higher supervisory staff upon recommendation of staff or at the request of a resident, when required to protect the resident from harm.
3. In cases where the Juvenile Program Manager, Juvenile Facility Operations Supervisor, or higher supervisory staff is not immediately available, security staff may take immediate action and then notify the Juvenile Program Manager or Juvenile Facility Operations Supervisor immediately after placement. Once the resident is placed on protective custody status on an emergency basis, the Juvenile Program Manager or Juvenile Facility Operations Supervisor shall review the reasons for placement and make a determination as to whether protective custody status is justified.
4. Placement on protective custody status may be based on any of the following:
 - a. reports indicating that the resident has been assaulted or that there is a substantial risk of the resident being assaulted;
 - b. reports indicating that the resident has been threatened or harassed;
 - c. reports indicating the resident is perceived as an informant or trial witness;
 - d. the circumstances of the resident's juvenile crime indicate that there is a substantial risk of the resident being threatened or harassed;
 - e. reports indicating the resident has been or that there is a substantial risk of the resident being the victim of sexual assault or sexual harassment; or
 - f. the resident's profile indicates that there is a substantial risk of the resident being victimized due to his or her chronological age or due to the resident's mental, psychological, social or physical level of functioning or characteristics.
5. A resident placed on protective custody status shall be removed from general population housing and taken to a designated special management housing area or other appropriate setting.
6. The staff initiating the placement of the resident on protective custody status shall immediately complete a Protective Custody Status Placement form (Attachment A) and contact the Superintendent, or designee, for a decision.

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7. If the Superintendent, or designee, approves the placement, the person initiating the placement shall forward the form to the Classification Committee as soon as it is completed and the signature of the Superintendent, or designee, is obtained.
8. A resident may not be on protective custody status for no more than seventy-two (72) hours unless approved by the Superintendent, or designee.
9. If approval is not granted, the resident shall be returned to general population housing. The staff person initiating the placement shall forward the form, with the signature of the Superintendent, or designee, for inclusion in the resident's master administrative file.

Procedure B: Protective Custody Plan

1. When approval for placement on protective custody status is granted, the staff initiating the placement shall ensure that a Protective Custody Plan (Attachment B) is immediately developed and implemented.
2. The plan shall identify safety strategies, including special precautions, and the continuation of services and programs to the extent consistent with protection of the resident.
3. The plan shall address the specific arrangements for the resident to have access to all of the services and programs the resident would otherwise be eligible for, including, but not limited to, as appropriate, the following:
 - education
 - exercise/recreation
 - library
 - medical care
 - mental health care
 - religious services
 - social services
 - substance abuse services
 - visit, telephone, and mail
 - volunteer services
4. The plan shall include a specific schedule for the delivery of services and programs and include any location restrictions or other modifications as may be necessary to ensure the safety of the resident, security, and the orderly management of the facility.

Procedure C: Programming for Residents on Protective Custody Status

1. The programs and services identified in the Protective Custody Plan shall be provided in the least restrictive environment appropriate until the resident is able to be fully reintegrated into the general population.

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2. While on protective custody status, the resident shall have access to the same allowable personal property and other items as if the resident were on general population status.
3. While on protective custody status, the resident shall have access to the dayroom area within the designated special management housing area, or other appropriate setting, on the same basis as if the resident were on general population status.
4. Staff shall not lock a resident into his or her room or otherwise use physical means to keep the resident in his or her room while on protective custody status except on the same basis as if the resident were on general population status.

Procedure D: Classification Review and Removal from Protective Custody Status to General Population Status

1. A Classification Committee meeting shall be convened by the next business day after the resident's placement on protective custody status for the committee to review, and modify as necessary, the Protective Custody Plan. The Classification Committee shall determine the frequency of review of the Protective Custody Plan by the resident's Unit Treatment Team. At a minimum, the Protective Custody Plan shall be reviewed by the Unit Treatment Team weekly, and the review(s) shall be documented.
2. At its initial meeting, the Classification Committee shall also establish criteria to be met for the resident to be removed from protective custody status and placed on general population status and shall specify these on the Protective Custody Plan.
3. When the resident's Unit Treatment Team believes the criteria have been successfully met, a recommendation shall be made to the Classification Committee to consider removal of the resident from protective custody status. The Classification Committee shall meet to consider this recommendation by the next business day.

VII. PROFESSIONAL STANDARDS

ACA:

- 4-JCF-3C-02** [Juveniles requiring protection from others may be placed in protective custody until alternative permanent housing is found within the facility or as a result of a transfer. The juvenile's treatment team develops a special management plan to assure safety and continuous services and programming. Continued confinement after 72 hours is approved by the facility administrator.](#)

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